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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,351	01/20/2000	Terry L. Cole	2000.023000	4297

23720 7590 04/23/2003

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EXAMINER

AHN, SAM K

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/488,351

Applicant(s)

COLE, TERRY L.

Examiner

Sam K Ahn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-28 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-7 and 9-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Gross et al. US 2003/0026282.

Regarding claims 1, 12, 21 and 28, Gross discloses a method and apparatus comprising: establishing communication between ATU-R (ADSL Transceiver Unit, Remote) and ATU-C (ADSL Transceiver Unit, Central Office) described throughout the description, and further

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discloses operating in low power mode. Gross explains (note paragraph 58-63) power level is adjusted to maintain optimum performance. Gross teaches power level adjustment for establishing a communication between two transceivers. Therefore, power level may be adjusted to a low power mode when needed. Gross further teaches determining a training parameter in the communication channel responsive to transmitted reference data. (note paragraph 50, 53, 64-65) Monitor signal is used to determine the channel characteristics, and through this information, necessary adjustments are made.

Regarding claims 2, 11, 13, 18 and 26, Gross teaches all subject matter claimed, as applied to claim 1, 17 or 25. Gross further discloses providing training parameters or monitor signals taking places in both directions. (note paragraph 31)

Regarding claims 3, 4, 14, 15 and 24, Gross teaches all subject matter claimed, as applied to claim 1, 13 or 23. As previously explained, Gross discloses establishing the channel with smallest power level. (note paragraph 59) Further discloses low power mode includes cutback of 9 dB. (note paragraph 61)

Regarding claims 5, 6, 7, 9, 10, 16, 17, 19, 20, 25 and 27, Gross teaches all subject matter claimed, as applied to claim 1, 13, 18, 23 or 26. Gross teaches training parameter including phase distortion and amplitude distortion of communication channel. (note paragraph 64-65) Further, Gross teaches training parameter or monitor signal comprising transmitter characteristics, such as carrier frequency and carrier phase.

Regarding claims 22 and 23, Gross teaches all subject matter claimed, as applied to claim 21. Gross further teaches both first and second transceiver being a DSL modem. (note abstract)

Allowable Subject Matter

2. Claim 8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not teach all features in the independent claim and further comprising a training parameter including transmission characteristics of symbol timing.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited as having relevant subject matter related to transceivers in a DSL.

Johnson et al. ('463)

Balachandran et al. ('268)

McHale et al. ('203)

Strait ('186)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam K Ahn whose telephone number is 703-305-0754. The examiner can normally be reached on Mon-Fri 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

SKA
April 8, 2003



STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600